

## **EXHIBIT “D”**

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December 18, 2003

BY FACSIMILE

Lee Mendelson, Esq.  
Moritt Hock Hamroff & Horowitz, LLP  
400 Garden City Plaza, Suite 202  
Garden City, New York 11530

Re: **Campinas Foundation v. Simoni et al.**  
**Index No.: 02-CV-3965**

Dear Mr. Mendelson:

We have your December 11 letter. You issued subpoenas to adverse counsel (us) knowing full well you were seeking material protected by privilege and the work-product immunity. As you know, Mr. Meisel was out of town when the subpoenas arrived, and the subpoenas' return date has been adjourned several times in what we believed was a spirit of cooperation. We have reached out for Mr. Laino to attempt to work out issues relating to these subpoenas. Service on Mr. Meisel was, in fact, incomplete, because he was not personally served – which we did not make an issue of, even though to date your firm has never agreed to accept service on Mr. Laino's behalf.

You also throw around words like “absurd” too freely. You know full well that Simoni, Meyers and Kessler all worked actively with this firm to prepare for the arbitration on behalf of AHG. Is it really your position this work was not cloaked with privilege and/or work product immunity – regardless of the fact that this firm represented the company and not these persons individually?

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COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.  
COUNSELLORS AT LAW

Lee Mendelson, Esq.  
December 18, 2003  
Page 2

Finally, your purported objections to our subpoenas are ineffective under New Jersey law. You had to move promptly to quash or for a protective order. You failed to do so. Do you concede your objections are waived?

With all due respect, you are throwing stones in a glass house. We invite you and your firm, again, to try to work out these issues professionally and avoid motion practice. If you insist on litigating the issues, so be it.

Very truly yours,

COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.

David M. Kohane

DMK:erp

cc: Michael S. Meisel, Esq.  
Jeffrey Wild, Esq.

## **EXHIBIT “E”**



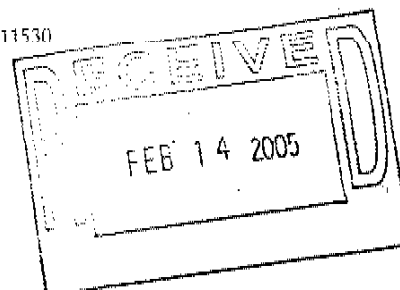
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February 10, 2005

Michael Meisel, Esq.  
Cole Sholtz Meisel Forman & Leonard PA  
225 Main Street, Court Plaza North  
Hackensack, NJ 07602

**RE: Campinas Foundation v. Carl Simoni, et. al.**  
**Index No.: 02 CV 3965**

Dear Mr. Meisel:

Both you and your firm were each previously served with a Notice of Deposition pursuant to Subpoena as well as a Schedule A to the respective Subpoenas for the production of documents in connection with the above-referenced matter back in November, 2003 (the "Subpoenas"). A copy of the Deposition Notices and Schedule A's are enclosed for your convenience. No objections were ever filed with respect to the Subpoenas and the time to do so has long since expired. Further, as I am sure you are aware, Magistrate Judge Fox has already ruled that the common interest privilege will not be available as an objection to the production of documents nor as an objection to the giving of testimony at the depositions. As such, we expect full disclosure from you and your firm in response to our Subpoenas. I have enclosed a copy of Magistrate Fox's Memorandum and Order relating to the common interest privilege for your review.

Please be advised that demand is hereby made for all documents responsive to the Subpoenas be produced at our offices on February 22, 2005. The failure to provide documents on or before that date will result in a Motion for Contempt, which we will submit to the Magistrate Judge for immediate consideration.

Please be further advised that the depositions of both you and your firm are hereby rescheduled for March 3, 2005 at 10:00 a.m. at our firm's New York offices located at 330 Fifth Avenue, Suite 1300, New York, New York 10001 and we reserve our right to continue the Depositions from day to day until completed.

Moritt Hock Hamroff & Horowitz LLP

Michael Meisel, Esq.

February 10, 2005

Page -2-

Should you have any questions please do not hesitate to call.

Very truly yours,



Lee J. Mendelson

LJM:jav

cc: SSP Capital Partners, LTD  
Jeffrey Wild, Esq.

Enclosures

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## **EXHIBIT “F”**

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November 11, 2003

William P. Laino, Esq.  
Moritt Hock Hamroff & Horowitz LLP  
Hackensack, New Jersey 07601

Re: Campinas v. Simoni  
Case No.: 02-CV-3965

Dear Mr. Laino:

This shall simply serve to confirm our conversation that the depositions of Michael S. Meisel, Esq. and Cole, Schotz, Meisel, Forman & Leonard, P.A. originally scheduled for November 18, 2003 shall be adjourned to December. When Mr. Meisel returns to the office, I will advise him that you are available the first week of December and December 16 or 17, 2003.

Very truly yours,

COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.

Susan M. Usatine

SMU:crp

cc: Michael S. Meisel, Esq.

51

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**EXHIBIT “G”**

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December 1, 2003

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Re: **Campinas v. Simoni**  
Case No.: 02-CV-3965

Dear Mr. Laino:

This letter simply serves to inform you that Michael S. Meisel, Esq. will be available for his December 16, 2003 deposition at our office in Hackensack.

Very truly yours,

COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.

Susan M. Usatine

SMU:crp

cc: Michael S. Meisel, Esq.  
Adam K. Derman, Esq.

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